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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/544,179	08/02/2005	Francesco Riondato	BA-22950	8573
178	7590	03/31/2008		
BUCKNAM AND ARCHER 1077 NORTHERN BOULEVARD ROSLYN, NY 11576			EXAMINER MCPARTLIN, SARAH BURNHAM	
			ART UNIT 3636	PAPER NUMBER
			MAIL DATE 03/31/2008	DELIVERY MODE PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/544,179	<b>Applicant(s)</b> RIONDATO, FRANCESCO	
	<b>Examiner</b> Sarah B. McPartlin	<b>Art Unit</b> 3636	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 13 March 2008.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 2-8 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 2-8 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 05 August 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)          | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

## **DETAILED ACTION**

### ***Continued Examination Under 37 CFR 1.114***

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on March 13, 2008 has been entered.

### ***Claim Objections***

2. Claim 6 is objected to because of the following informalities:
- It appears as if the word "constitutes" (claim 6, line 5) should be replaced with the word - - constitute - -.

### ***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 2 and 4-8 are rejected as best understood with the above cited indefiniteness under 35 U.S.C. 103(a) as being anticipated by Yates et al. (5,011,222) in view of Kuipers (6,450,572). With respect to claim 8, Yates discloses a bicycle saddle

Art Unit: 3636

(1) having two identical portions (unlabeled) around axis (A), each of said portions has comprising: a rear part (6) having about a 10 degree to 20 degree slightly upwardly concave first rear zone (8), an outer side part (unlabeled), represented by the side margin extending nearly completely around the rear parts (6) with downward convexity of about 45-60 degrees so as to follow the curvature of the buttocks muscles, a front zone (unlabelled) continuing forward from said rear zone (8) is a substantially downwardly inclined configuration with a depression ranging from 0 cm to about 3 to 5 cm. It should be noted that front zones lie at an elevation of approximately 2.0 inches. Rear zone has an elevation of approximately 3.2 inches. Therefore the height difference or depression between the front zone and the rear zone of the rear part (6) is approximately 1.2 inches. This elevation change results in a depression of approximately 3.05 centimeters. A transversal middle plane part (7) continues the downwardly inclined configuration of the front zone of the rear part (6) and has a side cove-shaped zone (10); a front part (2) which is lower with respect to rear parts (6) by about 1-3 centimeters as seen in Figure 3 as well as slightly inclined upwards up to 25 degrees, the two front parts (4) of the bicycle saddle begin to gradually constrict at about half their longitudinal extension substantially forming a V-shaped configuration with the vertex (3) curving steeply downwardly.

With respect to claim 2, the front parts (4) are equipped with a bearing (unlabeled) that forms the nose/vertex (3). The bearing is has a bigger thickness that is greater than the rear part (6) as is best depicted in Figure 3.

With respect to claim 4, wherein the overall width of the two font parts (4) varying from 6 to 15 centimeters given the scales presented in Figured 1 and 3.

With respect to claim 7, a seat pillar (44) which supports the aforementioned saddle (1) is arranged so that its vertical axis (unlabeled) roughly coincides with the middle plane in the longitudinal direction of the parts (6) of the two portions of the saddle.

As disclosed above, Yates reveals all claimed elements with the exception of a channel separating the middle parts and front parts and having a wider rear part and a longitudinal trough joining the two rear parts.

Kuipers discloses a longitudinally symmetrical bicycle saddle. A trough (8) separates two rear parts of the bicycle saddle. The trough leads to a channel (6) which separates middle parts and front parts of the bicycle saddle. The channel is wider at its rear end than its forward end.

It would have been obvious to one of ordinary skill in the art at the time of the instant invention to add the trough (8) and channel (6), as taught by Kuipers, to the seat disclosed by Yates. The channel (6) "creates a vertical opening through the saddle by which to reduce the pressure that would otherwise be applied during long trips to the perineal nerve bundle of the rider" (column 2, lines 29-31). The trough (8) "helps distribute the air flow to the interface between the rider and the saddle" (column 2, lines 37-38). Such a modification would help improve the rider's comfort. Furthermore, all of the claimed elements were known in the prior art and one skilled in the art could have combined the elements as claimed by known methods with no change in their

respective functions, and the combination would have yielded predictable results to one of ordinary skill in the art at the time of the invention.

5. Claim 3 is rejected as best understood with the above cited indefiniteness under 35 U.S.C. 103(a) as being unpatentable over Yates et al. (5,011,222) in view of Kuipers (6,450,572), as applied to claim 8 above, and in further view of Calvert et al. (5,356,205). As disclosed above, Yates et al., as modified, reveals all claimed elements with the exception of a frame with some holes for ventilation.

Calvert teaches the use of a frame (12) with some ventilation holes (31).

It would have been obvious to one of ordinary skill in the art at the time of the instant invention to use a frame with holes, as taught by Calvert, to support the cycle saddle disclosed by Yates. Such a modification would provide a solid rigid surface to which mounting bars (unlabeled) could be mounted. Furthermore, using a frame with holes reduces the overall weight of the device.

### ***Response to Amendment/Arguments***

6. Applicant's amendment and request for continue examination filed on March 13, 2008 has been considered in its entirety.

Applicant explains that reference numeral (14), disclosed by Yates, is not a trough, but is actually a coccyx support that is raised above the surrounding surface of the saddle. Careful analysis of the Yates reference does indeed disclose that portion (14) is raised and therefore can not constitute a trough. Kuipers is relied upon the

instant rejection for his teaching of a trough and channel. The Examiner contends that the addition of a trough and channel, as taught by Kuipers, would provide improve ventilation between the seat occupant and the saddle. Such a modification would have been obvious in order to provide improved rider comfort.

### ***Conclusion***

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sarah B. McPartlin whose telephone number is 571-272-6854. The examiner can normally be reached on M-Th 7:30 am - 5:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Dunn can be reached on 571-272-6670. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Sarah B. McPartlin/

Application/Control Number: 10/544,179  
Art Unit: 3636

Page 7

Primary Examiner  
Art Unit 3636

SBM  
March 26, 2008